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Attorney for Defendant,
MARCUS ASAY,

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.

Plaintiff,

v.

MARCUS ASAY,

Defendant.

CASE NO.: 1:22-CR-00162-DAD-BAM

**STIPULATON AND ORDER TO
CONTINUE STATUS CONFERENCE OF
SEPTEMBER 11, 2024**

TO THE HONORABLE COURT AND TO THE ASSISTANT UNITED STATES
ATTORNEY:

The defendant, Marcus Asay, by and through his counsel, Anthony P. Capozzi, and the Plaintiff, United States of America through the Assistant United States Attorney, Michael G. Tierney, hereby stipulate that the status conference set for September 11, 2024, be continued to December 11, 2024, at 1:00 p.m., since the defense counsel. Anthony P. Capozzi has been involved in continuous jury trials since April 25, 2024, in United States v. Agricultural Contracting Services Association, dba American Labor Alliance, Marcus Asay, and Antonio Gastelum, Case No. 1:19CR-00003-DAD-BAM, People v. Joe Gomez, Case No. F21903570,

1 and People v. Jagtar Singh, Case No. F23903919, all which concluded on August 14, 2024, as a
2 result, attorney for Marcus Asay has not been able to review the discovery nor prepare for a jury
3 trial.

4 The parties further stipulate that time be excluded under the Speedy Trial Act for defense
5 preparation and continuity of counsel.

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7 Dated: September 5, 2024, BY: /s/ Anthony P. Capozzi
8 ANTHONY P. CAPOZZI, Attorney for
9 Marcus Asay
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11 Dated: September 5, 2024, By: /s/ Michael G. Tierney
12 MICHAEL G. TIERNEY,
13 Assistant United States Attorney
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15 **ORDER**

16 The stipulation for a continuance is DENIED. The parties shall be prepared to pick a trial
17 date and may pick a date which allows time for defendant to review discovery.
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19 IT IS SO ORDERED.

20 Dated: September 5, 2024 /s/ Barbara A. McAuliffe
21 UNITED STATES MAGISTRATE JUDGE
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